REMARKS

Claims 1-20 are currently pending in the application, and the following new art rejections have been applied against them:

1. **Claims 1 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr et al. (U.S. Patent No. 6,643,566) in view of Nierlich et al. (U.S. Patent No. 6,519,509);**
2. **Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr/Nierlich and further in view of Potega (U.S. Patent No. 6,459,175);**
3. **Claims 3-12 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr/Nierlich, and further in view of Karanam et al. (U.S. Patent No. 6,266,713); and**
4. **Claims 15-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr/Nierlich, and further in view of Bersiek (U.S. Patent No. 6,608,406).**

Claim 1 is directed to a reconfigurable network-equipment power-management system. Claim 10 is directed to a method of managing user configuration data in such a system, and claim 13 is directed to a remote power manager system. Each of these independent claims is rejected under 35 U.S.C. §103(a) as being unpatentable at least over Lehr et al. (U.S. Patent No. 6,643,566) in view of Nierlich et al. (U.S. Patent No. 6,519,509). Applicant respectfully disagrees.

The Office Action contends in paragraph 6 that "Lehr teaches all of the limitations as claimed [in independent claims 1 & 13] except for a memory disposed in the power-distribution apparatus and having a power-control outlet user configuration storage area." Applicant respectfully disagrees with this position because there are other differences between the independent claims and Lehr et al.

For example, claim 1 recites various features which are *disposed in* the power distribution apparatus (e.g., power input, communications interface, power-control outlets, power-control relays). Lehr et al's system, however, does not incorporate such an apparatus. In paragraph 8 of the Office Action, the Examiner maintains that items 18, 64, 90 & 164 of Lehr et al. are the same

as Applicant's claimed "power-distribution apparatus having a power input disposed in the power-distribution apparatus and a communication interface disposed in the power-distribution apparatus for communicating with a remote system". However, it can readily be seen that the various components of Lehr are not *disposed in* the same apparatus. Thus, any purported combination of Lehr with Nierlich simply could not yield the subject matter of claim 1.

Also in paragraph 8 of the office action, the Examiner points to Lehr's line interface circuitry (Fig. 3, Item 181) as reading on the claimed "power-control relays in power control communication with at least one among the plurality of power-control outlets". The Examiner also apparently regards either items 18 or 90 (integrated power/data combiner hub/switch) as the equivalent of the claimed "power-control outlets". Applicant submits, however, that Lehr's line interface circuitry is clearly not the same as the claimed power-control relays which, as set forth in claim 1, are able to *interrupt* the operating power to one or more of the appliances. Since, as stated previously, it is an important objective of Lehr et al. that power not be interrupted, it follows that the line interface circuitry of Lehr does not function to curtail power. Rather, quite the contrary, Lehr et al. combine data and power (as diagrammatically depicted in Fig. 3) to ensure that combined data/power is supplied to critical components. Thus, Lehr's teaching is not akin to a power control *relay* which functions to disrupt power. This is another difference between claim 1 and Lehr. It is, therefore, submitted that any purported combination of Lehr with Nierlich simply could not yield the subject matter of claim 1 for this reason as well.

Notwithstanding the above, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness for rejecting any of the claims. Each of the independent claims accommodates an ability to *interrupt* power to one or more of the power-control outlets. The primary reference Lehr et al. relates to a system for generating power and delivering it over a data communication cabling infrastructure within a facility. In this regard, Lehr et al. is directed to an electrical power distribution system applied over a cabling infrastructure by supplying *uninterrupted* or backup power (via a power/data combiner) to critical network devices in the event of a power failure. In doing so, *uninterruptible* backup electrical power is provided to critical network devices and terminals in the event of a power supply failure or interruption. Indeed, one of Lehr's objectives is to simplify the installation of network devices while additionally providing a cost-effective means for providing an

uninterruptible power source to multiple network devices. Col. 1, lines 52-62 (emphasis provided).

As such, Lehr et al. is quite distinct from power-distribution systems and methods which utilize power control relays to selectively disrupt power to electronic devices when needed. For this reason alone, there would be no motivation to combine the teachings of Lehr et. al (where maintaining operating power is of interest) with Nierlich et al (where curtailment of operating power is of interest). Thus, the ordinarily skilled artisan acquainted with the applied art would not have been led to the teachings of Lehr et al. to address solving a problem, for example, of controlling the provision or interruption of power to one or more separate electronic devices. Quite the opposite, the ordinarily skilled artisan would have been steered away from the purported combination.

Applicant also respectively disagrees with certain other contentions advanced in the Office Action. For example, with regard to claim 2, the Office Action states that "[i]t would have been obvious to one of ordinary skill in the art to incorporate Potega's network agent . . . such that Neirlich's system may be controllable by packets directed specifically to network devices." The underlying rejection of all claims in the Office Action pertains to a modification of Lehr's system based on at least the teachings of Neirlich. However, the above statement in connection with claim 2 appears to contradict this purported combination to the extent it relates to a modification of Neirlich's system (based on Potega), rather than a modification of Lehr's system.

Claim 3 (see also Claim 10) recites a configuration upload command mechanism which "recognizes a user command to upload the power-control outlet user configuration from the memory disposed in the power-distribution apparatus to a destination." The Office Action maintains that the "teaching of a management unit [from Lehr] that provides configuration information to a destination clearly implies the use of a configuration upload mechanism [Karanan]." However, the passage in Lehr which the Examiner references relates to software (at the destination management unit) for communicating telemetry and control information to the LAN components. Thus, in Lehr the configuration data is transferred from memory in the management unit, not from a memory disposed in the power-distribution apparatus. Thus, the transmission in Lehr is in a direction different than that contemplated by claim 3 such that any

purported combination of Lehr with Nierlich (or others) simply could not yield the subject matter of claim 3.

As to claim 9, the Office Action asserts that it does not teach or further define over the limitations of claims 2-8. However, claim 9 recites in part that the command mechanism recognizes "a second user command to download a substitute power-control outlet user configuration to the memory disposed in the power distribution apparatus from a source." This feature is not explicitly recited in earlier claims 2-8. Thus, claim 9 does further define over its predecessor claims, and the Office Action has not addressed where this limitation of claim 9 is present in the applied art.

The Office Action similarly dismisses claim 10 (a method claim) which recites, in part, "remotely controlling the plurality of power-control outlets disposed in the local power-distribution apparatus *with a remote application to supply or interrupt power* to one or more of the plurality of power-control outlets." (emphasis added). The Office Action, however, does not articulate where power interruption via a remote application is taught in any of the applied references, let alone the use of *configuration data for supplying or interrupting power for the plurality of power-control outlets.*

Independent claim 13 recites a "power-control power output port configuration transfer application." Applicant disputes the Office Action's characterization that Nierlich's E1-2000 device incorporates such a teaching. While it is acknowledged that the E1-2000 device stores a configuration file, nothing therein stores anything relating to power control of output ports. Instead, as described in Nierlich et al., the configuration file preferably includes callback frequency, meter designations, pulse accumulator device identity, meter multiplier coefficients, meter pulling frequency and Watermark boundaries. Col. 5, Ln. 56-60. Thus, any purported combination of Lehr with Nierlich simply could not yield the subject matter of claim 13 either.

CONCLUSION

It is evident that the Lehr et al. reference fails to teach several claimed elements beyond just the "memory" identified in the Office Action. It is, therefore, respectively submitted that any purported combination involving Lehr and Nierlich would fall short of realizing the inventions encompassed by the claims since various claimed elements are simply absent in these

teachings. Moreover, it is submitted that the purported Lehr/Nierlich combination lacks the requisite motivation because the ordinarily skilled artisan would be led away from making such a combination.

Based on the foregoing, it is respectfully submitted that the application is in complete condition for allowance. Reconsideration and allowance thereof is respectfully requested. If a telephone conversation will further the prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned attorney.

Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application, including any patent or patent application which claims priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required for this application, or credit any overpayment, to Deposit Account No. 08-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension and authorizes payment of any such extension fees to Deposit Account No. 08-2623.

Respectfully submitted,

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